

# SENATE BILL 83

C8

11r0050

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Housing and Community Development)**

Introduced and read first time: January 20, 2011

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Affordable Housing Programs – Authority of Local Governments to Support**  
3 **Programs – Sunset Repeal**

4 FOR the purpose of repealing the termination date for a certain provision of law  
5 authorizing local governments to take certain actions to support, foster, or  
6 promote an affordable housing program for individuals or families of low or  
7 moderate income; and generally relating to the authority of local governments  
8 to take action to support, foster, and promote affordable housing.

9 BY repealing and reenacting, without amendments,  
10 Article 24 – Political Subdivisions – Miscellaneous Provisions  
11 Section 21–101  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2010 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Chapter 386 of the Acts of the General Assembly of 2008  
16 Section 3

17 BY repealing and reenacting, with amendments,  
18 Chapter 387 of the Acts of the General Assembly of 2008  
19 Section 3

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

4 21–101.

5 To support, foster, or promote an affordable housing program for individuals or  
6 families of low or moderate income, a county or municipality may:

7 (1) Establish local trust funds or provide for the appropriation of  
8 funds;

9 (2) Waive or modify building permit or development impact fees and  
10 charges that are not mandated under State law for the construction or rehabilitation  
11 of lower income housing units:

12 (i) In proportion to the number of lower income housing units of  
13 a development; and

14 (ii) That are:

15 1. Financed, in whole or in part, by public funding that  
16 requires mortgage restrictions or recorded covenants restricting the rental or sale of  
17 the housing units to lower income residents in accordance with specific government  
18 program requirements; or

19 2. Developed by a nonprofit organization that:

20 A. Has been exempt from federal taxation under §  
21 501(c)(3) of the Internal Revenue Code for a period of at least 3 years; and

22 B. Requires the homebuyer to participate in the  
23 construction or rehabilitation of the housing unit;

24 (3) Enact legislation that restricts cost and resale prices and requires  
25 development of affordable housing units as part of any subdivision in return for added  
26 density;

27 (4) Provide land or property from the inventory of the county or  
28 municipality; and

29 (5) Support PILOT (payment in lieu of taxes) programs to encourage  
30 construction of affordable housing.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2008. [It shall remain effective for a period of 3 years and, at the end of  
3 September 30, 2011, with no further action required by the General Assembly, this Act  
4 shall be abrogated and of no further force and effect.]

5 **Chapter 387 of the Acts of 2008**

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 2008. [It shall remain effective for a period of 3 years and, at the end of  
8 September 30, 2011, with no further action required by the General Assembly, this Act  
9 shall be abrogated and of no further force and effect.]

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 June 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.